

REMARKS

Claims 1-19 and 29-38 are active. Claims 20-28 are withdrawn subject to a restriction requirement.

Applicant respectfully requests the Examiner to contact the undersigned to conduct a telephonic interview before the next action is issued. Of course the issuance of a Notice of Allowance would obviate the need for such an interview.

The allowability of claims 13-15, 19 and 31-35 is noted initially from the Office Action of June 17, 2005. Independent claim 1, from which allowable claims 13-15 ultimately depend, and independent claim 29, from which allowable claims 31-35 ultimately depend, were amended in the last Response. Applicant continues to reserve the right, at a later date, to place the claims indicated to contain allowable subject matter in allowable format in the form present at the time of the Office Action of June 17, 2005.

The Examiner continues to object to claim 32 because it should depend on claim 31 rather than claim 30. In the previous response Applicant amended claim 32 to correct this informality, and thus this objection should have been withdrawn.

Claims 29-30 and 36 remain rejected as anticipated by Smith, et al. (U.S. 6,006,075). Claims 1, 2, 4-12, 16 and 38 remain rejected over Smith in view of Westall, et al. (U.S. 6,718,161). Claim 3 remains rejected over Smith in view of Miyahara (U.S. 6,449,469). Claims 17 and 37 remain rejected over Smith in view of Rostoker, et al. (U.S. 6,111,863). Claim 18 remains rejected over Smith in view of Yuzawa (U.S. 2001/0,001,611).

Applicant continues to traverse the prior art rejections for the reasons set forth in the previous response, the "Remarks" section of which is hereby incorporated by reference in its entirety. Applicant now addresses the Examiner's "Response to Arguments" outlined on pages 12 and 13 of the final Office Action.

In the previous response Applicant asserted that the claims require a plurality of transmitter resources and the selection of one of these resources to drive a given antenna. The claims also define a transmitter resource as a resource that can perform the function of a communication protocol. As should be clear from the specification, and as discussed above, a transmitter resource is quite different from a single frequency transmitter (18 of Smith), which transmits only a part of an original RF signal. The subject invention permits forward and backward capability of an electronic device, such as a communication transceiver, by being able to transmit the transmitter resource, e.g., complete operating code, channel codes, etc. This is completely different from operating a single frequency transmitter to achieve frequency and space diversity of an input RF signal, as in Smith.

The Examiner responds in the final Office Action by asserting that although Smith labels each of the frequency transmitters with the same reference numeral 18, it is understood that each frequency transmitter is a separate element.

The Examiner's response does not address Applicant's assertion and misses the issue at hand. Applicant is not asserting that all of the frequency transmitters 18 are combinable into a single element, but is instead asserting that each frequency transmitter 18 in Smith transmits a single, separate frequency. Smith uses single-frequency frequency transmitters 18 to achieve space diversity and frequency diversity. For the reasons discussed previously, these frequency transmitters are therefore different from the claimed transmitter resources as defined by the claimed invention. Thus the claims are patentable over the applied prior art for at least this reason.

With further regard to claim 1, in the previous response Applicant asserted that claim 1 recites an output bus to which the transmission signals of the plurality of transmission resources are applied and an antenna summer coupled to the bus for storing the transmission signals. The RF switch 34 of Smith is not a "bus" as the term is

conventionally used. It is a switch that has only one output. This provides an additional structural and functional distinction over Smith.

The Examiner responds in the final Office Action by asserting that because the claim recites "an output bus selectively receiving transmission signals from the transmitter resources," Smith's RF switch and wire connection to the antenna reads on this limitation. Applicant respectfully disagrees. It is clear from reading claim 1 as a whole and in light of the specification that the output bus is receiving transmission signals that were selectively transmitted by the transmission resources; the output bus does not perform any selection.

Further, the combination of Westall and Smith does not suggest the claimed antenna summer for the reasons set forth previously. That is, Westall is directed to a satellite transmitter for transmission of packet data to targeted spaced receivers. In Westall, the processor 32 queues the packets and selectively arbitrates their routing to the individual transmitters 34 so that multiple transmitters will not "point and shoot" at the same target coverage area (see column 5, lines 25-37).

In Smith, the antennas 44 do not need to be, and apparently are not, of the directional type as in Westall. Also, there is no need in Smith for an antenna summer, since the purpose of Smith is to produce a continuous output of the input signal 14 but in diversified (frequency and space) form to prevent multi-path interference. There is no need for an antenna summer. Accordingly, the combination of Smith and Westall is improper.

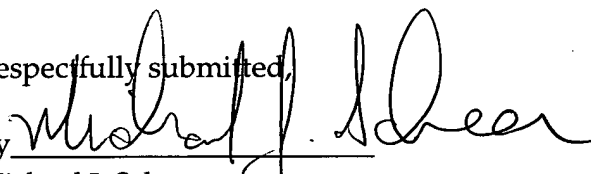
In the present invention, the antenna summer has a unique advantage in that it is connected to the output bus and stores the signals on the output bus. This provides flexibility of transmitting the signals corresponding to a transmission resource.

The Examiner responds by asserting that "the substitution of the memory buffers before transmitting for the RF switch in Smith is together as a whole, as a modified device combinable and is reasonable to one of ordinary skill in the art."

The Examiner's response is merely a restatement of a conclusion and is not even an attempt at providing a rational for the improper combination of Westall with Smith. Applicant respectfully resubmits that the Examiner has no basis for the combination, and the rejection should be withdrawn.

In view of the above, Applicant believes all claims are allowable, and the pending application is in condition for allowance. The issuance of a Notice of Allowance is therefore respectfully requested.

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Respectfully submitted,
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